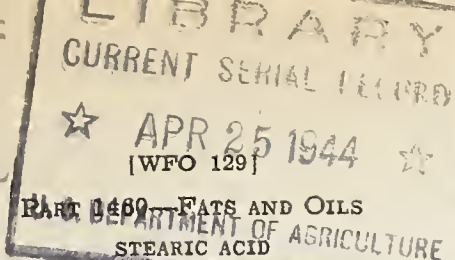


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WAR FOOD ADMINISTRATION



The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of stearic acid for defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.41 *Distribution, delivery, use and set aside of stearic acid*—(a) *Definitions.* (1) "Stearic acid" means the higher titer fatty acids commonly known as commercial stearic acid, obtained by any process which includes the splitting of animal fat and a subsequent separation by pressing or otherwise of such higher titer fatty acids from the lower titer fatty acids.

(2) "Producer" means any person who produces stearic acid.

(3) "Distributor" means any person who acquires stearic acid for resale.

(4) "User" means any person who uses stearic acid in the manufacture of any other product, regardless of whether stearic acid is incorporated into such other product.

(5) "Certified order" means a written order to a producer or distributor which has attached thereto or incorporated therein a certificate executed in accordance with paragraph (c) hereof.

(6) "Cosmetics and toiletries" means tooth paste, tooth powder, or any product intended to be applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance, including toilet soaps, shaving creams, hand lotions, after shaving lotions, hair dressings, and hair tonics.

(7) "Inventory" means the total quantity of stearic acid owned by any person, wherever located.

(8) "Eastern zone" means that area of the 48 States of the United States lying east of the eastern boundaries of the States of Montana, Wyoming, Colorado, and New Mexico.

(9) "Western zone" means that area of the 48 States of the United States lying west of the eastern boundaries of the States of Montana, Wyoming, Colorado, and New Mexico.

(10) "Current rate of consumption", as determined on any particular date, means the amount of stearic acid used during the 30-day period immediately prior to such date, or the amount of stearic acid scheduled for use during the 30-day period immediately following such date.

(11) "Maximum unit" means the largest single, segregate, commercial quantity of stearic acid shipped to and accepted by any person during the calendar year 1944.

(12) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(13) "Director" means the Director of Marketing Services, War Food Administration.

(b) *Delivery restrictions.* Except as specifically authorized by the Director, no person shall, in any calendar month, deliver stearic acid on other than certified orders to any person except a distributor unless and until he has, before the end of such month, filled or offered to fill all certified orders received by him on or before the 16th day of such month.

(c) *Certified orders.* (1) Any user who requires stearic acid for the manufacture of metallic stearates (except for use in cosmetics and toiletries), rubber compounding, the manufacture of lubricants or greases, pharmaceuticals and medicinal preparations other than cosmetics and toiletries, or any use certified by the Order Administrator, may transmit to his supplier a written order which has attached thereto or incorporated therein a properly executed certificate in the following form:

The undersigned hereby certifies to the War Food Administration and to -----

Name and address of supplier

that he is familiar with the terms of War Food Order No. 129, that this certificate is furnished in order to enable the undersigned to obtain preferred delivery, in accordance with War Food Order No. 129, of ----- pounds of stearic acid, and that he will use all of such stearic acid as follows (check applicable use):

- ☐ Manufacture of metallic stearates except for use in cosmetics and toiletries.
- ☐ Rubber compounding.
- ☐ Manufacture of lubricants or greases.
- ☐ Pharmaceuticals and medicinal preparations other than cosmetics and toiletries.
- ☐ Use certified by the Order Administrator bearing Authorization No. -----

Purchaser

----- By -----
(Date) Authorized official

(2) No user who receives stearic acid under a certified order shall use any part thereof for any purpose other than the use indicated in such certificate.

(d) *Production of triple-pressed stearic acid.* No producer shall, in any calendar month, make triple-pressed stearic acid, except to fill certified orders, unless and until he has, before the end of such month, filled or offered to fill all certified orders received by him on or before the 16th day of such month.

(e) *Set aside.* Every producer shall, during each calendar month, after the fulfillment of all certified orders received by him on or before the 16th day of such month, set aside, reserve, and hold for delivery in accordance with specific authorization by the Order Administrator, 25 percent of the remaining balance of all stearic acid produced by him during such month. Stearic acid so set aside shall not be used, processed, delivered, or received by any person except as specifically authorized by the Order Administrator. Any stearic acid so set aside,

the delivery of which is not specifically authorized by the Order Administrator before the first day of the succeeding calendar month, shall, without further notice to the producer, be released from the provisions of this paragraph (e).

(f) *Inventory restrictions.* Except as hereinafter provided:

(1) No distributor shall accept delivery of stearic acid in any quantity which will cause his inventory to exceed the following number of days' supply based upon his deliveries during the preceding calendar month:

(i) Distributors located in the eastern zone—20 days' supply;

(ii) Distributors located in the western zone—30 day' supply;

(2) No user shall accept delivery of stearic acid in any quantity which will cause his inventory to exceed the following number of days' supply based upon his current rate of consumption:

(i) Users located in the eastern Zone—30 days' supply;

(ii) Users located in the western zone—45 days' supply.

(g) *Inventory exemption; maximum units.* Subject to the requirements of paragraph (h) of this order, any user or distributor whose inventory does not exceed two-thirds of the quantity which he is permitted to have under the applicable provision of paragraph (f) may accept delivery of not more than one maximum unit, provided that such acceptance shall not cause his inventory to exceed twice the quantity which he is permitted to have under the applicable provision of paragraph (f).

(h) *Inventory certificates.* No person shall deliver and no person shall accept delivery of more than 50 pounds of stearic acid in any calendar month unless the person accepting delivery executes and furnishes to his supplier a certificate in the following form:

"The undersigned hereby certifies to the War Food Administration and to -----

Name and address of supplier

that he is familiar with the terms of War Food Order No. 129, that this certificate is furnished in order to enable the undersigned to acquire ----- pounds of stearic acid, to be delivered on or about -----; and that the receipt by him of such stearic acid will not increase his inventory beyond the amount permitted under War Food Order No. 129.

Purchaser

----- By -----
(Date) Authorized official

(i) *Transfers between branches or departments.* The transfer of stearic acid between units, departments, branches, plants, or companies owned, controlled, or directed by the same person but engaged in separate activities as producers, distributors, or users shall constitute delivery within the meaning of this order.

(j) *Records and reports.* (1) All certified orders and all certificates executed under paragraphs (c) or (h) of

this order shall be retained for at least two years and shall, upon request, be submitted to the Director for examination. All statements contained in such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to reply upon any such certificate if he knows or has reasonable cause to believe it to be false.

(2) Every producer shall, within 15 days after the end of each calendar month, execute and mail to the Order Administrator one copy of Form FDA-476, showing separately his actual and estimated production, deliveries, and stocks of single, double, and triple-pressed stearic acid.

(3) Every person who uses more than 3,000 pounds of stearic acid in any calendar quarter shall execute and mail to the Bureau of the Census, Washington 25, D. C., Bureau of the Census Form BM-1 for each calendar month, on or before the 15th day of the following month, and Bureau of the Census Form BM-2 for each calendar quarter on or before the 15th day of the second month following such calendar quarter. Nothing contained herein shall be construed as requiring any person to file more than one Form BM-1 in any month, nor more than one Form BM-2 in any calendar quarter, except that a separate report shall be filed for each plant in which such person uses stearic acid.

(4) The Director shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(5) Every person subject to this order shall, for at least two years or for such other period of time as the Director may designate, maintain an accurate record of his production of and transactions in stearic acid.

(k) *Existing contracts.* The restrictions of this order shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(l) *Audits and inspections.* The Director shall be entitled to make such audits or inspections of the books, records and other writings, premises, or stocks of stearic acid of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(m) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Director. After said review, the Director may take such action as he deems appropriate, which action shall be final.

(n) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using stearic acid. Any person who wilfully violates

any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(o) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided, be addressed to the Order Administrator, War Food Order No. 129, Fats and Oils Branch, Office of Marketing Services, War Food Administration, Washington 25, D. C.

(q) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(r) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., April 1, 1945.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and all subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; 8 F.R. 9392, 8 F.R. 14783)

Issued this 31st day of March 1945.

WILSON COWEN,
Assistant War Food Administrator.

War Food Administration, Summary to WFO 129.

The War Food Administration has issued War Food Order No. 129 to regulate the distribution and use of commercial stearic acid—essential in rubber compounding and in the manufacture of such war necessities as drugs and pharmaceuticals, lubricants, greases, metallic stearates and other military supplies.

In addition to restricting the distribution and use of stearic acid, WFO 129, effective April 1, 1945, limits the inventories of distributors and users, and requires producers to set aside a portion of their monthly output for specific WFA authorizations. The regulations are necessary because of the current short supply of stearic acid.

WFO 129 sets up a group of certified (essential) uses for stearic acid and requires suppliers to fill orders for these uses (if received on or before the 16th of each month) before handling orders for less essential uses.

The certified uses are (1) the manufacture of metallic stearates, except for use in cosmetics and toiletries; (2) rubber compounding; (3) the manufacture of lubricants and greases; (4) the manu-

facture of pharmaceuticals and medicinal preparations other than cosmetics and toiletries; and (5) any use certified by the administrator of WFO 129 and bearing an authorization number.

Manufacturers desiring stearic acid for any of these uses should file with their suppliers (before the 16th of each month) an order accompanied by a certificate specifying the particular use to which the acid will be applied. Manufacturers who require stearic acid for the production of other essential military supplies will be given special authorizations. Individual authorization numbers will be issued for such uses upon application by letter to the Director of Marketing Services, War Food Administration, Washington 25, D. C. Ref: WFO 129.

After suppliers have filled (or offered to fill) all certified orders received by the 16th of the month, they are required by the order to set aside 25 percent of their remaining monthly production to meet special authorizations of the Order Administrator. Production of triple-pressed stearic acid, except for filling certified orders, is prohibited until all such orders are filled.

For the purpose of inventory limitation, the country is divided into 2 zones.

The Eastern zone comprises the area lying east of the eastern boundaries of Montana, Wyoming, Colorado and New Mexico, and the Western Zone comprises the area lying west of these boundaries. This division was made in order to compensate for transportation difficulties to the Western zone, since most of the Nation's stearic acid supplies are produced in the Eastern area.

In the Eastern zone, distributors and users of the acid are limited to a 20-day and a 30-day supply respectively, and in the Western zone distributors may maintain a 30-day supply and users, a 45-day supply. Distributors' limitations are based on deliveries during the preceding calendar month, and users' limitations are based on their current rate of consumption.

Within 15 days after the end of each calendar month, producers are required to report to WFA (on Form FDA-476) showing actual and estimated production, deliveries, and stocks of single, double and triple-pressed stearic acid.

Users of more than 3,000 pounds of stearic acid in any calendar quarter are required to file monthly and quarterly reports to the Bureau of the Census on Forms BM-1 and BM-2.

WAR FOOD ADMINISTRATION

[WFO 129, Amdt. 1]

PART 1460—FATS AND OILS

STEARIC ACID

War Food Order No. 129 (10 F.R. 3603) is hereby amended as follows:

1. By deleting the figure "16th" in paragraphs (b), (d), and (e) and substituting in lieu thereof the figure "1st."

2. By deleting paragraph (f) and substituting in lieu thereof the following:

(f) *Inventory restrictions.* Except as hereinafter provided:

(1) No distributor shall accept delivery of stearic acid in any quantity which will cause his inventory to exceed (i) 200

pounds, or (ii) the following number of days' supply based upon his deliveries during the preceding calendar month:

Distributors located in the eastern zone—20 days' supply;

Distributors located in the western zone—30 days' supply;

(2) No user shall accept delivery of stearic acid in any quantity which will cause his inventory to exceed (i) 200 pounds, or (ii) the following number of days' supply based upon his current rate of consumption:

Users located in the eastern zone—30 days' supply;

Users located in the western zone—45 days' supply."

This order shall become effective at 12:01 a. m., e. w. t., June 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 129, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 17th day of May 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

War Food Administration, Summary to WFO-129 Amendment 1.

The War Food Administration has amended War Food Order No. 129 to require users of stearic acid for essential purposes to file certified orders with suppliers by the 1st of each month instead of the 16th.

Under the amendment, effective June 1, 1945, certified orders for stearic acid for June must be filed on or before June 1 if preferred delivery is desired. After that date, suppliers may fill noncertified orders.

The change is made so that suppliers may efficiently plan their monthly op-

erating schedules. Heretofore, they have been required to give preference to certified orders filed on or before the 16th of each month.

The amendment also allows an inventory exemption of 200 pounds of stearic acid to protect small users and distributors.

